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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/755,491
Filing Date: January 12, 2004
Appellant(s): KENT ET AL.

Charles W. Griggers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9-28-2007 appealing from the Office action mailed 3-28-2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,683,870	Archer	1-2004
5,930,700	Pepper et al.	7-1999

2004/0264654	Reding et al.	12-2004
6,763,095	Cermak et al.	7-2004
2003/004048	Balasuriya	2-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer (US PAT: 6,683,870, filed 6-25-1998) in view of Pepper et al. (US PAT: 5,930,700, hereinafter Pepper).

Regarding claim 1, Archer discloses an intelligent interactive call handling system, comprising: a central office in (118, fig. 2) to trigger a query responsive to receiving a call request to a called party, a call handling device (128, fig. 2) operable to receive query, and trigger an internet call routing query, an internet call routing system (figs. 2-3) coupled to the call handling device, the internet call routing system operable to receive internet call routing query, send a prompt notification of the incoming call to the called party at a plurality of registered communication devices (120a, 120b, 134a, 134b, fig. 2, col. 4, line 18 – col. 7, line 22), call handling device in(128, fig. 2) forwards

call handling from the internet call routing system to the central office (this is implied by the fact that when called user has responded to call notification, the server processor 128 terminates connection and then a communication connection is established between a caller telephone 114 (fig. 1) and the called party at, for example telephone 120 b(fig. 1): col. 7 lines 14-22).

Archer differs from claim 1 in that he does not specifically teach the following: detecting the presence of the called party, and the notification prompting the called party for instructions for handling the incoming the call, and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no information is received from the called party in reply to the notification after a set period of time.

However, Pepper discloses system and method for automatically screening incoming calls and directing the incoming call which teaches the following: detecting the presence of the called party (reads on system determining current location of the called party, col. 10 lines 37-41), and the notification prompting the called party for instructions for handling the incoming the call, and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no information is received from the called party in reply to the notification after a set period of time (col. 12 lines 45-63; figs 3, 12A, 12B).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Archer's system to provide for the following: detecting the presence of the called party, and the notification prompting the called party for

instructions for handling the incoming the call, and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no information is received from the called party in reply to the notification after a set period of time as this arrangement would facilitate the called party to respond to the incoming call according to his convenience to suite his needs as taught by Pepper.

Archer differs from claim 3 in that hoe does not specifically teach the following: presence engine coupled to the internet call routing system, the presence engine being operable to determine the presence of any of the at least one registered communication device.

However, Pepper teaches the following: presence engine coupled to the call routing system, the presence engine (reads on system determining current location of the called party) being operable to determine the presence of any of the at least one registered communication device (col. 12 lines 15-20).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Archer's system to provide for the following: presence engine coupled to the internet call routing system, the presence engine being operable to determine the presence of any of the at least one registered communication device as this arrangement would facilitate sending notifications to the communication device of the user depending upon his presence as taught by Pepper.

Regarding claim 4, Archer teaches the following: internet call routing query comprises an account number associated with called party, a phone number associated

with called party, a registration identification associated with the called party, and a certificate associated with the called party (fig. 4; col. 6 lines 30-62).

Regarding claim 5, Archer teaches the following: a gateway (126, fig. 2) coupled between the call handling device and internet call handling system, the gateway being operable to translate protocols between the signaling system 7 (reads on telephone signaling) and internet protocol (col. 5, lines 33-46).

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Pepper as applied to claim 1 above, and further in view of Reding et al. (US 2004/0264654A1, Provisional application No. 60/436,018, filed on Dec. 26-2002, hereinafter Reding).

The combination differs from claim 6 in that he does not explicitly teach the following: at least a short message server, an electronic mail server, an instant messaging server, etc , the servers being coupled internet call routing system, and being operable to forward the notification to registered communication device responsive to instructions from the internet call routing system.

However, Reding teaches the following: at least a short message server, an electronic mail server, an instant messaging server, etc , the servers being coupled internet call routing system, and being operable to forward the notification to registered communication device responsive to instructions from the internet call routing system (paragraphs: 0102-0106).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: at least a

short message server, an electronic mail server, an instant messaging server, etc , the servers being coupled internet call routing system, and being operable to forward the notification to registered communication device responsive to instructions from the internet call routing system as this arrangement would facilitate visual notification of incoming call to the registered communication devices as taught by Reding, thus facilitating the user to receive incoming call notification for display and respond according to user preferences.

Claim 7 is rejected on the same basis as claim 1.

Regarding claim 8, Archer teaches the following: a database (138, fig. 2) operable to store a profile associated with called party including a list comprising the at least one registered communication device, the database being operable to provide the list associated with the called party to the presence logic (col. 6 lines 31-38).

Claim 9 is rejected on the same basis as claim 6.

Claim 10 is rejected on the same basis as claim 4.

Regarding claim 14, Archer teaches the following: at least one registered communication device comprises at least one of a cellular phone (fig. 1) and internet protocol phone (134a, col. 7 lines 3-4).

Claim 15 is rejected on the same basis as claim 1.

Claim 16 is rejected on the same basis as claim 8.

Claim 20 is rejected on the same basis as claim 6.

Claim 21 is rejected on the same basis as claim 14.

Claim 22 is rejected on the same basis as claim 4.

Claim 24 is rejected on the same basis as claim 1.

Claim 25 is rejected on the same basis a claim 8.

Claim 29 is rejected on the same basis as claim 6.

Claim 30 is rejected on the same basis as claim 14.

Claim 31 is rejected on the same basis as claim 4.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Pepper as applied to claim 1 above, and further in view of Cermak et al. (US 6,763,095, filed 9-24-2002, hereinafter Cermak).

The combination differs from claim 2 in that he does not teach the following:
certificate authority coupled to internet call routing system, certificate authority being operable to authenticate the called party by searching a customer database for current subscription and payment information.

However, Cermak teaches the following: authentication system by using certificate provide by Public key Infrastructure (34, col. 5, line 60 – col. 6, line 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: certificate authority coupled to internet call routing system, certificate authority being operable to authenticate the called party by searching a customer database for current subscription and payment information as this arrangement would provide means for identifying and authenticating users of the system, thereby providing means for checking the eligibility of users to use resources offered by the network.

5. Claims 13,17-18, 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Pepper as applied to claims 7, 15, 24 above, and further in view of Balasuriya (US 2003/0041048).

The combination differs from claims 13,17-18, 26-27 in that it does not teach the following: rules engine being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call.

However, Balasuriya teaches the following: rules engine (34, fig. 1) being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call (fig. 1, paragraph: 0019).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: rules engine being operable to parse at least one rule associated with the called party, the profile also including one rule for processing the call as this arrangement would facilitate call processing based on rules set by the subscriber as taught by Balasuriya (see claim 1).

6. Claims 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archer in view of Pepper and Balasuriya as applied to claims 18 and 27 above, and further in view of Reding.

The combination differs from claims 19 and 28 in that it does not teach the following: prompt is an Internet based message.

However, Reding teaches the following: prompt is an Internet based message (paragraph: 0104).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: prompt is an Internet based message as this arrangement would provide one of the methods, among many possible methods, sending the notification of the incoming call as taught by Reding so that user can make informed decision about responding to the call.

7. Claims 11-12, 23, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arecher in view of Pepper as applied to claims 7, 15, 24 above and further in view of Cermak.

The combination differs from claims 11-12, 23 and 32 in that it does not teach the following: authentication logic coupled to the receive logic operable to employ the certificate associated with the called party to authenticate the called party, authentication logic authenticates the called party, and assures that the called party continues to subscribe to a service provided by the internet call routing system, using the certificate associated with the called party to authenticate the called party.

However, Cermak teaches the following: authentication system by using certificate provide by Public key Infrastructure (34, col. 5, line 60 – col. 6, line 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following:

authentication logic coupled to the receive logic operable to employ the certificate associated with the called party to authenticate the called party, authentication logic authenticates the called party, and assures that the called party continues to subscribe to a service provided by the internet call routing system, using the certificate associated with the called party to authenticate the called party as this arrangement would provide means for identifying and authenticating users of the system, thereby providing means for checking the eligibility of users to use resources offered by the system.

(10) Response to Argument

A. Claim Rejections – 35 U.S.C (a) – Archer in view of Pepper

Rejection of claims 1, 3-5, 7-8, 10, 14-16, 21-22, 24-25, and 30-31 under 35 U.S.C 103(a) as being obvious over Archer (US PAT: 6,683,870, filed 6-25-1998) in view of Pepper et al. (US PAT: 5,930,700, hereinafter Pepper): regarding rejection of claim 1 using the above combination of references, after reciting the limitation of claims 1, Appellant alleges that “Archer in view of Pepper does not disclose, teach, or suggest at least a “call handling device coupled to the central office, the call handling device operable to receive the query, and trigger an internet call routing query, and an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at plurality of registered communication devices, that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, in accordance with instruction from the called party that is received in reply to notification, and instruct the call-handling device to

route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, when the call handling device forwards the instruction from the internet call routing system to a central office," as recited in and emphasized above". Appellant further interprets examiners rejection based on the above references to create an impression that references do not teach appellant's claims limitations. For instance appellant argues that "Archer fails to teach or suggest sending notification of an incoming call to a plurality of registered communication devices that the called party is detected to be present, routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to notification, or forwarding instructions from the internet call routing system to the central office, as described in claim 1". Regarding this, Appellant is arguing as if the claim is rejected under 35 U.S.C 102 when in fact claims are rejected under 35 U.S.C 103(a) as being obvious over Archer in view of Pepper. As set forth in the final office action, Archer teaches: sending notification of an incoming call to a plurality of registered communication devices (120a, 120b, 134a, 134b, fig. 2 col. 4, line 18 – col. 7, line 22) of the called party, routing the incoming call to the called party telephone number, or forwarding the instructions from the internet call routing system (figs. 2-3) to the central office (this is implied by the fact that when called user has responded to call notification, i.e., he is ready to receive the call, the server processor (128, fig. 2) establishes connection through central office in (118, fig. 2) between the caller telephone 114, fig. 2 and one of the telephones that responded to call notification from the internet call routing system as illustrated in fig. 4). As set forth in the final

office action, Archer does not specifically teach: detecting the presence of the called party, and the notification prompting the called party for instructions for handling the incoming the call, and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no instructiun is received from the called party in reply to the notification after a set period of time. However, the secondary reference Pepper teaches: detecting the presence of the called party (reads on system determining current location of the called party (col. 10 lines 37-41; col. 6 lines 33-37), and the notification prompting the called party for instructions for handling the incoming the call (col. 6 lines 42-45), and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no information is received from the called party in reply to the notification after a set period of time (col. 12 lines 45-63; figs 3, 12A, 12B).

As can be seen from the above, the combination of Archer and Pepper teaches appellant's claim limitations, therefore rejection of the claim 1 under 35 U.S.C 103(a) is valid.

Regarding Archer reference, Appellant further argues that "Archer does not teach or suggest routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification that is sent. Further, Archer describes issuing call notification to communication devices on a called party's designated phone number and does not disclose sending notification to devices where the called party is detected to be present". Regarding this, as can be seen from

Appellants arguments, he is at cross purposes with examiner regarding rejection of the claim based on combined teachings of Archer and Pepper. Appellant is projecting his arguments as if basis of claim rejections is 35 U.S.C 102 when in fact rejection of the claim is based on 35 U.S.C 103(a). As explained above, the secondary reference Pepper teaches the Appellants claim limitation such as routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification (col. 12 lines 45-48) and Pepper further teaches: sending notification to devices where the called party is detected to be present (col. 10 lines 37-41; col. 6 lines 33-45). Since the combination of Archer and Pepper teaches Appellants above claim limitations, rejection of the claim under 35 U.S.C 103(a) is valid as set forth in the final office action.

Appellant on pages 11-12 of his Appeal brief basically repeats the same arguments regarding the rejection based on Archer in view of Pepper under 35 U.S.C 103(a) which are already addressed by the Examiner in the above paragraphs.

Regarding Archer teachings, Appellant disputes the examiner's interpretation of Archer's teachings, viz: Call handling device (128, fig. 2) forwarding call handling from the internet call routing system (figs.2-3) to the central office. As explained in the office action, Archer teaches: routing the incoming call to the called party telephone number, or forwarding the instructions from the internet call routing system (figs. 2-3) to the central office (this is implied by the fact that when called user has responded to call notification, i.e., he is ready to receive the call, the server processor (128, fig. 2) establishes connection through central office in (118, fig. 2) between the caller

telephone 114, fig. 2 as one of the telephones that responded to call notification from the internet call routing system as illustrated in fig. 4. This clearly reads on Appellant's claim limitation such as call handling device forwarding call handling from the internet call routing system to the central office.

Appellant further disputes Examiner's explanation that Archer discloses the central office in (118, fig. 2) queries a call handling device (128, fig. 1). Regarding this, Archer discloses caller (114, fig. 2) trying to reach a called party. As a result of this, query is initiated (step 54, fig. 4) to find the telephone numbers of the called party (120a, 120b, 134a, 134b) where he might be present in order to send call notification, and in response to called party answering at one of the telephones, the communication is established between the caller and called party telephones (which responded to call notification) through central office system in (118, fig. 2; col. 6, line 49 - col. 7, line 22) which clearly reads on Appellant's claim limitation such as central office queries a call handling device in order to send call notifications (such as ringing signals) and in response to called party answering the telephone, call is established between the caller and called party through the central office system.

Regarding Pepper reference, Appellant further disputes examiner's explanation that Pepper teaches a call handling device (reads on 306, fig. 3), instructs the central office (reads on 304, fig. 3) on how to route the call. Regarding this, Pepper discloses: The network interface (304, fig. 3) handles all calls placed to the inventive call directing and screening system and can place an outgoing call when directed to by the service central module (306, fig. 2, col. 6 lines 57-59). Pepper further discloses: Service control

module (306, fig. 3) which directs the TNI (304, fig. 3) to call the subscriber at the telephone number provided by the PDA to service control module (306, col. 12 lines 57-65). This clearly reads on the Appellant's claim limitation such as: call handling device instructs the central office on how to route the call.

2. Applicant's claims 3-5

Regarding rejection of these dependent claims, Appellant's arguments are based on independent claim 1 being patentable which is not as explained above.

3. Applicant's claim 7

After reciting the limitations of claim 7, Appellant alleges that "Archer in view of Pepper does not disclose, teach or suggest at least "forwarding logic coupled to the notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device in accordance with instructions from the called party that is received in reply to the notification, and instruct the call handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above". Appellant further argues that "Archer fails to teach or suggest at least sending a notification of an incoming call to a plurality of registered devices that the called party is detected to be present, routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to the notification or forwarding a call to a registered communication device in accordance with instruction from the called party, as described in claim 7". Regarding this, as set forth above in responding to appellant's arguments on claim 1,

Archer teaches: sending notification of an incoming call to a plurality of registered communication devices (120a, 120b, 134a, 134b, fig. 2 col. 4, line 18 – col. 7, line 22) of the called party, routing the incoming call to the called party telephone number, or forwarding a call to the registered communication device as shown in fig. 4. As set forth above in responding to Appellants arguments to claim 1, Archer does not specifically teach: detecting the presence of the called party, and route the call in accordance with instruction from the called party that is received in reply to the notification, and route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time. However, the secondary reference Pepper teaches: detecting the presence of the called party (reads on system determining current location of the called party, col. 10 lines 37-41; col. 6 lines 33-37), and routing the call in accordance with instruction from the called party that is received in reply to the notification (col. 6 lines 42-45), and route the call to the called party telephone number if no information is received from the called party in reply to the notification after a set period of time (col. 12 lines 45-63; figs 3, 12A, 12B).

As can be seen from the above, since the combination of Archer and Pepper teaches appellant's claim limitations, rejection of the claim 7 under 35 U.S.C 103(a) is valid.

Regarding Pepper's reference, Appellant alleges that Pepper does not teach or suggest routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to notification that is sent". Contrary to

appellant's interpretation of Pepper reference, Pepper teaches: the system attempts to contact subscriber's PDA to alert the subscriber that a call from Ms. Jones is pending and to provide the subscriber menu of call handling options (step 1230, fig. 12B) including the option of accepting the call, delivering the call to voice mail, or routing the call to another number which may be input by the subscriber. Meanwhile ... If the subscriber does not respond within a predetermined time (step 1232, fig. 12B), the call is directed according to the subscribers default or other predetermined number (step 1228, fig. 12; col. 12 lines 35-48). This clearly reads on Appellant's claim limitation such as: routing the incoming call to the called party telephone number if no instruction is received from the called party in reply to notification that is sent.

Appellant on paragraph first of page 18 repeats pretty much the same arguments as addressed above in responding to claim 7 above.

Appellant on first paragraph page 19 alleges that "Pepper's use of a single contact number and Archer's use of a find-me system demonstrates that neither reference teaches or suggests the claimed feature to "instruct the call-handling device to route the call to the called party telephone number if no instruction is received from the called party's in reply to the notification after a set period of time," as recited in claim 7". Regarding this, Appellant is simply repeating the same arguments which are addressed above.

4. Applicant's claims 8, 10, and 14

Regarding rejection of these claims, Appellants arguments are tied to independent claim 7 being patentable. As set forth above in responding to appellant's

arguments on claim 7, Examiner respectfully submits to the Board of Patent Appeals and Interferences that the examiner has established prima facie case of obvious rejection of claims 8, 10 and 14 under 35 U.S.C 103(a) based on Archer in view of Pepper.

5. Applicant's claim 15

After reciting the limitations of claim 15, Appellant alleges that "Archer in view of Pepper does not disclose, teach, or suggest at least "sending a notification to the called party via a plurality of registered communication devices that the called party detected to be present, generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification, and generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification, and sending instructions to the call handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above". Regarding Archer reference, Appellant further argues that "Archer fails to teach or suggest at least sending a notification to a plurality of registered communication devices that the called party is detected to be present and sending instructions to the call handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, as described in claim 15". Regarding this, Appellant presents arguments as if rejection of claim 15 is based on 35 U.S.C 102 when

in fact the claim is rejected under 35 U.S.C 103(a). Further, as explained in responding to appellants arguments to claims 1 and 7, Arches teaches: sending a notification to a plurality of registered communication devices (120a, 120b, 134a, 134b, fig. 2) of the called party and sending instructions to the call handling device (128, fig. 2) to route the call to the called party telephone number in reply (reads on called party responding to the call notification to receive the call) to notification (figs. 2-4, col. 4, line 18 - col. 7, line 22) and Pepper teaches: sending notification to the called party detected to be present (col. 10 lines 37-41; col. 6 lines 33-45) and he further teaches: sending instructions to the call handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time (col. 12 lines 43-48). The combination of Archer and Pepper teaches appellants claim limitations such as: sending a notification to a plurality of registered communication devices that the called party is detected to be present and sending instructions to the call handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time. Therefore rejection of claim 15 under 35 U.S.C 103(a) as being obvious over Archer in view of Pepper is valid.

Appellants rest of the arguments on pages 22-24 of his appeal brief is simply rehashing the same arguments as responded above s regards claim 15.

6. Applicant's Claims 16 and 21-22

Regarding rejection of these claims, Appellants arguments are tied to independent claim 15 being patentable. As set forth above in responding to appellant's

arguments on claim 15, Examiner respectfully submits to the Board of Patent Appeals and Interferences that the examiner has established prima facie case of obvious rejection of claim 15, and claims 16, 21-22 under 35 U.S.C 103(a) based on Archer in view of Pepper.

7. Applicant's Claim 24

After reciting limitation of claim 24, Appellant alleges that "Archer in view of Pepper does not disclose, teach or suggest at least "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present, generating a signal to initiate connection of the call to the registered communication device in accordance with instruction from the called party that received in reply to the notification, and sending instructions to the call-handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above". Referring to Archer reference, Appellant further alleges that "Archer fails to teach or suggest at least sending a notification to a plurality of registered communication devices that the called party is detected to be present and sending instructions to the call handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time, as described in claim 24. Regarding this, Appellant presents arguments as if rejection of claim 24 is based on 35 U.S.C 102 when in fact the claim is rejected under 35 U.S.C 103(a). Further, as explained in responding to appellants arguments to 1,7 and 15, Archer teaches: sending a notification to a plurality of

registered communication devices (120a, 120b, 134a, 134b, fig. 2) of the called party and sending instructions to the call handling device (128, fig. 2) to route the call to the called party telephone number in reply (reads on called party responding to the call notification to receive the call) to notification (figs. 2-4, col. 4, line 18 - col. 7, line 22) and Pepper teaches: sending notification to the called party detected to be present (col. 10 lines 37-41; col. 6 lines 33-45) and he further teaches: sending instructions to the call handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time (col. 12 lines 43-48). The combination of Archer and Pepper teaches appellants claim limitations such as: sending a notification to a plurality of registered communication devices that the called party is detected to be present and sending instructions to the call handling device to route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time. Therefore rejection of claim 24 under 35 U.S.C 103(a) as being obvious over Archer in view of Pepper is valid.

Appellants rest of the arguments on pages 27-29 of his appeal brief is simply rehashing the same arguments as responded above as regards claim 24.

8. Applicant's Claims 25 and 30-31

Regarding rejection of these claims, Appellants arguments are tied to independent claim 24 being patentable. As set forth above in responding to appellant's arguments on claim 24, Examiner respectfully submits to the Board of Patent Appeals and Interferences that the examiner has established prima facie case of obvious

rejection of claim 24 and claims 25, 30-31 under 35 U.S.C 103(a) based on Archer in view of Pepper.

B. Claim Rejections - 35 U.S.C 103(a) - Archer in view of Pepper in further view of Reding

Rejection of claim 6, 9, 20, and 29 under 35 U.S.C. 103(a) as being obvious Archer in view of Pepper in further view of Reding et al. (US 2004/0264654A1, Provisional application No. 60/436,018, filed on Dec. 26-2002, hereinafter Reding): Regarding rejection of these claims, Appellants arguments are tied to independent claims 1, 7, 15, and 24 being patentable which are not as explained above in responding to appellants arguments to these claims. As such, Examiner respectfully submits to the Board of Patent Appeals and Interferences that the examiner has established prima facie case of obvious rejection of claims 6, 9, 20 and 29 under 35 U.S.C 103(a) based on Archer in view of Pepper in further view of Reding.

C. Claim rejections – 35 U.S.C 103(a) – Archer in view of Pepper in further view of Cermak

Rejection of claims 2, 11-12, 23 and 32 under 35 U.S.C. 103(a) as being obvious over Archer in view of Pepper in further view of Cermak:

Regarding rejection of these claims, Appellants arguments are tied to independent claims 1, 7, 15, and 24 being patentable which are not as explained above in responding to appellants arguments to these claims. As such, Examiner respectfully submits to the Board of Patent Appeals and Interferences that the examiner has

established prima facie case of obvious rejection of claims 2, 11-12, 23 and 32 under 35 U.S.C 103(a) based on Archer in view of Pepper in further view of Cermak.

D. Claim Rejections – 35 U.S.C 103(a) – Archer in view of Pepper in further view of Balasuriya

Rejection of claims 13, 17-18, and 26-27 under 35 U.S.C 103(a) as being obvious over Archer in view of Pepper in further view of Balasuriya (US 2003/0041048): Regarding rejection of these claims, Appellants arguments are tied to independent claims 7, 15, and 24 being patentable which are not as explained above in responding to appellants arguments to these claims. As such, Examiner respectfully submits to the Board of Patent Appeals and Interferences that the examiner has established prima facie case of obvious rejection of claims 13, 17-18, and 26-27 under 35 U.S.C 103(a) based on Archer in view of Pepper in further view of Balasuriya.

E. Claim Rejections -35 U.S.C 103(a) – Archer in view of Pepper in further view of Balasuriya in further view of Reding

Rejection of claims 19 and 28 under 35 U.S.C 103(a) as being obvious over Archer in view of Pepper in further view of Balasuriya in further view of Reding: Regarding rejection of these claims, Appellants arguments are tied to independent claims 15, and 24 being patentable which are not as explained above in responding to appellants arguments to these claims. As such, Examiner respectfully submits to the Board of Patent Appeals and Interferences that the examiner has established prima

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facie case of obvious rejection of claims 19 and 28 under 35 U.S.C 103(a) based on
Archer in view of Pepper in further view of Balasuriya in further view of Reding.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the
Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:


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